

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID BLEDSOE, et al.,

Plaintiffs,

vs.

EMERY WORLDWIDE AIRLINES, INC.,  
et al.,

Defendants.

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Case No. 3:02cv069

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY OVERRULING DEFENDANTS' MOTION FOR  
ATTORNEYS FEES AND COSTS (DOC. #218), WITHOUT PREJUDICE  
TO RENEWAL UPON STATED CONTINGENT EVENT; PROCEDURES  
TO RENEW SET FORTH

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Given that the Plaintiffs' appeal from this Court's Judgment in favor of Defendants and against Plaintiffs is still pending in the Sixth Circuit Court of Appeals, this Court, preferring to await the appellate court decision prior to ruling upon Defendant's Motion for Attorneys Fees and Costs (Doc. #218), herein overrules said motion, without prejudice to renewal, should the Sixth Circuit Court of Appeals affirm this Court's Judgment of September 28, 2009.

Obviously, should the Sixth Circuit Court of Appeals reverse this Court's Judgment, the Defendant's Motion for Attorneys Fees and Costs will become moot, at least until the conclusion of any mandated retrial; should this Court's

Judgment entry be affirmed, Defendants need only renew the Motion overruled herein by a Motion indicating the renewal of same, attaching thereto any and all requests for additional attorneys fees and costs incurred since the filing of the Motion addressed herein. Should the Motion be renewed, and, presumably, amended, all prior filings directed to the original Motion will be considered by this Court.

/s/ Walter Herbert Rice

August 3, 2010

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

All Counsel of Record